

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES PERRON,

Petitioner, : 16 Civ. 5874 (PAE) (SDA)

-v-

FDC MIAMI, *Warden*, and ATTORNEY GENERAL FOR
THE STATE OF NEW YORK,

Respondents. :

OPINION & ORDER

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PAUL A. ENGELMAYER, District Judge:

This opinion concerns a writ of habeas corpus filed by petitioner James Perron pursuant to 28 U.S.C. § 2254.

Pro se petitioner Perron filed his initial petition for a writ of habeas corpus in the Southern District of Florida pursuant to 28 U.S.C. § 2254 on January 4, 2016. Dkt. 1. This Court received the petition on July 11, 2016, when it was transferred to the Southern District of New York. *See* Dkt. 28. On July 25, 2016, the Court referred the petition to Magistrate Judge Ronald L. Ellis for the preparation of a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Dkt. 31. On December 4, 2017, the petition was reassigned to Magistrate Judge Stewart D. Aaron. On July 18, 2018, Judge Aaron issued his Report and Recommendation to this Court. Dkt. 64.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When specific objections are made, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed.

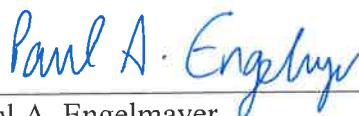
R. Civ. P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir.1997). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009)); *see also*, e.g., *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Careful review of the thorough and well-reasoned Report reveals that there is no facial error in its conclusions. The Report, which is incorporated by reference herein, is adopted without modification. The petition for habeas corpus is denied. The Clerk of Court is directed to close this case.

The parties’ failure to file written objections, as noted in the Report, precludes appellate review of this decision. *See Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008); *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam). The Court therefore declines to issue a certificate of appealability, and certifies that any appeal from this order would not be taken in good faith; therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

The Court directs the Clerk to mail a copy of this decision to petitioner at the address on file.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: December 11, 2018
New York, New York